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**PRELIMINARY DRAFT**  
**No. 3127**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2011 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** IC 5-23-1-4; IC 8-1-2-0.3; IC 8-1.5-3-3.3; IC 8-6-4-0.3; IC 8-14-2-8; IC 8-22-3-0.3; IC 12-20-25; IC 16-18-1-4; IC 22-14-6-8; IC 36-2; IC 36-3-4-0.1; IC 36-4; IC 36-5; IC 36-7; IC 36-8; IC 36-9; IC 36-10-3-11.5; IC 36-12-2-5.5.

**Synopsis:** Noncode statutes. Codifies certain noncode provisions relating to local government. Repeals the corresponding noncode provisions.

**Effective:** July 1, 2011.



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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-23-1-4 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2011]: **Sec. 4. (a) Except as provided in subsection (b),**  
4 **IC 36-1-14.3 (before its repeal) concerning public-private**  
5 **agreements does not apply to a contract, a lease, an agreement, or**  
6 **an extension of a contract, a lease, or an agreement entered into**  
7 **before May 10, 1995.**

8       **(b) This subsection applies to an agreement in the nature of a**  
9 **public-private agreement (as defined in IC 36-1-14.3-4 (before its**  
10 **repeal)) that was entered into or extended before May 10, 1995.**  
11 **The parties to an agreement described in this section may enter**  
12 **into an addendum of the agreement to be governed by IC 36-1-14.3**  
13 **(before its repeal) and to apply the provisions of IC 36-1-14.3**  
14 **(before its repeal) to the agreement. If the parties enter into an**  
15 **addendum under this section, the addendum becomes a part of the**  
16 **agreement to the same extent as if the addendum had been part of**  
17 **the original agreement.**

18       SECTION 2. IC 8-1-2-0.3 IS ADDED TO THE INDIANA CODE  
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
20 1, 2011]: **Sec. 0.3. Notwithstanding the amendments made to**  
21 **section 103 of this chapter by P.L.93-1993, in the case of a public**  
22 **utility that is described in section 103(c) of this chapter, as**  
23 **amended by P.L.93-1993, the effective date for the implementation**  
24 **of the amendments made to section 103 of this chapter by**  
25 **P.L.93-1993, is July 1, 1993.**

26       SECTION 3. IC 8-1.5-3-3.3 IS ADDED TO THE INDIANA CODE  
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
28 1, 2011]: **Sec. 3.3. For purposes of section 3 of this chapter, a utility**  
29 **service board that:**

30       **(1) was established before January 1, 1983, under**  
31 **IC 8-1-2-100 (before its repeal and formerly Acts 1913, c.76,**



s.109, as amended);

(2) has continued in existence without interruption since its creation; and

(3) was established without submitting the question of its creation to the voters of the municipality for approval in a referendum;

is legalized and its actions validated.

SECTION 4. IC 8-1.5-4-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. Notwithstanding the amendments made to section 14 of this chapter by P.L.93-1993, in the case of a public utility that is described in IC 8-1-2-103(c), as amended by P.L.93-1993, the effective date for the implementation of the amendments made to section 14 of this chapter by P.L.93-1993, is July 1, 1993.**

SECTION 5. IC 8-6-4-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. (a) An ordinance that would be permitted under section 1(c) of this chapter, as added by P.L.101-1993, that was adopted before April 27, 1993:**

(1) is legalized; and

(2) may be enforced on May 12, 1993.

(b) The Indiana department of transportation shall conduct a review of crossing safety levels at all crossings to which an ordinance legalized under this section applies. The department shall complete a study required by this subsection not later than one (1) year after April 27, 1993.

(c) If the Indiana department of transportation finds, based upon the results of the department's review under subsection (b), that the crossing safety level at a crossing to which an ordinance legalized under this section applies creates an undue risk of harm to the public, the department shall, after consulting with the railroad and the municipality, develop a program to increase crossing safety at the crossing to an acceptable level, as determined by the department.

(d) A program to increase crossing safety under subsection (c) must be decided after an evaluation of all remedies available to the Indiana department of transportation and the costs and benefits of each remedy. The department must consider the following in an evaluation of the costs and benefits of each remedy upon the municipality:

(1) The degree to which the remedy is likely to increase safety at the crossing.

(2) The economic impact of the cost of the remedy, including possible cost-sharing mechanisms.

(3) The impact of the remedy upon the environment in the



**municipality.**

SECTION 6. IC 8-14-2-8, AS ADDED BY P.L.182-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. **(a) This section applies to a political subdivision's purchase of E85 occurring after December 31, 2007.**

~~(a)~~ **(b)** As used in this section, "administrator" has the meaning set forth in IC 6-6-1.1-103(a).

~~(b)~~ **(c)** As used in this section, "E85" has the meaning set forth in IC 6-6-1.1-103(s).

~~(c)~~ **(d)** As used in this section, "qualified motor vehicle" means a motor vehicle that may be fueled by E85.

~~(d)~~ **(e)** A political subdivision is entitled to a monthly E85 incentive payment under this section if at least seventy-five percent (75%) of the motor fuel purchased by the political subdivision in the preceding calendar month for use in the political subdivision's qualified motor vehicles was E85.

~~(e)~~ **(f)** Subject to subsection ~~(f)~~, **(j)**, the amount of a monthly E85 incentive payment to which a political subdivision is entitled under this section is equal to:

- (1) the total number of qualified motor vehicles owned by the political subdivision; multiplied by
- (2) thirty-three dollars and thirty-three cents (\$33.33).

~~(f)~~ **(g)** To claim an E85 incentive payment under this section, the fiscal officer of a political subdivision must present to the auditor of state a statement that:

- (1) contains a written verification that the incentive payment claim is made under penalties of perjury; and
- (2) sets forth:
  - (A) the total number of qualified motor vehicles owned by the political subdivision;
  - (B) the total amount of E85 purchased by the political subdivision in the preceding calendar month for use in each qualified motor vehicle described in clause (A); and
  - (C) the total amount of motor fuel purchased for use in each qualified motor vehicle described in clause (A).

~~(g)~~ **(h)** The auditor of state may request the administrator to make investigations the auditor of state considers necessary before issuing an E85 incentive payment under this section. The administrator shall provide any assistance requested under this section. Upon the request of the administrator, a political subdivision shall furnish to the administrator sufficient documentation to prove the validity of the information presented under subsection ~~(f)~~, **(g)**.

~~(h)~~ **(i)** If an E85 incentive payment is not issued within ninety (90) days after filing of the verified statement and all supplemental information required by subsection ~~(g)~~, **(h)**, the auditor of state shall pay interest at the rate established by IC 6-8.1-9 computed from the



date of filing of the verified statement and all supplemental information required under this section until a date determined by the auditor of state that does not precede by more than thirty (30) days the date on which the E85 incentive payment is made.

(j) A political subdivision is not entitled to an E85 incentive payment for E85 used in a qualified motor vehicle owned by the political subdivision after December 31 of the fifth calendar year of the political subdivision's ownership of the qualified motor vehicle.

**(k) A political subdivision may not claim an E85 incentive payment for any purchase of E85 occurring after December 31, 2014.**

(l) This section expires January 1, ~~2015~~ **2019**.

SECTION 7. IC 8-22-3-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. (a) This section applies to each board of aviation commissioners from which powers, rights, obligations, functions, and assets are to be transferred, under section 33 of this chapter, to an airport authority established by P.L.100-1985.**

**(b) The provisions of section 33 of this chapter governing the transfer of assets apply to all assets held for the use of the board of aviation commissioners on January 25, 1985. Assets held for the use of the board of aviation commissioners on that date may not be transferred for the use of any other board or department of local government after that date, except as provided in section 3 of this chapter.**

SECTION 8. IC 12-20-25-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. (a) The township assistance control board is a continuation of the township poor relief control board (renamed by P.L.73-2005).**

**(b) The rules adopted by the township poor relief control board shall be treated, after June 30, 2005, as rules of the township assistance control board.**

**(c) On July 1, 2005, all powers, duties, assets, and liabilities of the township poor relief control board are transferred to the township assistance control board.**

**(d) After June 30, 2005, a reference to the township poor relief control board shall be treated as a reference to the township assistance control board.**

**(e) A member of the township poor relief control board appointed under section 29 of this chapter (before its amendment by P.L.73-2005) shall continue to serve as a member of the township assistance control board established by section 29 of this chapter, as amended by P.L.73-2005, until the end of the term for which the member was appointed.**

SECTION 9. IC 12-20-25-0.4 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2011]: **Sec. 0.4. (a)** Notwithstanding the amendment of section 40 of this chapter by P.L.73-2005, funds that are in the county income tax poor relief control fund on June 30, 2005, are transferred to the county income tax township assistance control fund established by section 40 of this chapter, as amended by P.L.73-2005.

(b) Notwithstanding the amendment of section 51 of this chapter by P.L.73-2005, funds that are in the distressed township supplemental poor relief fund on June 30, 2005, are transferred to the distressed township supplemental township assistance fund established by section 51 of this chapter as amended by P.L.73-2005.

SECTION 10. IC 16-18-1-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4. An ordinance or plan adopted pursuant to IC 16-13-21-13 (before its repeal) is void.**

SECTION 11. IC 22-14-6-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 8. (a)** Notwithstanding the repeal of IC 22-14-5, the firefighting and emergency equipment revolving loan fund established by IC 22-14-5-1 (before its repeal) remains in existence after June 30, 2007, if any money remains in the fund on June 30, 2007. Money that remains in the firefighting and emergency equipment revolving loan fund on June 30, 2007, does not revert to the state general fund. Deposits or transfers may not be made to the firefighting and emergency equipment revolving loan fund, and new loans may not be made from the firefighting and emergency equipment revolving loan fund after June 30, 2007.

(b) Money remaining in the firefighting and emergency equipment revolving loan fund on June 30, 2007, must be transferred before August 1, 2007, to the fund.

(c) If money in the firefighting and emergency equipment revolving loan fund is transferred under subsection (b), the firefighting and emergency equipment revolving loan fund is abolished immediately after the transfer under subsection (b) is completed.

(d) Notwithstanding the repeal of IC 22-14-5, if a loan provided under IC 22-14-5-1 (before its repeal) remains outstanding on June 30, 2007, the qualified entity to whom the loan was provided shall repay the loan, subject to the original terms and conditions of the loan, to the department of homeland security established by IC 10-19-2-1 for deposit in the fund.

(e) This section expires on the later of the following:

(1) August 1, 2007.

(2) The date on which the last outstanding loan provided



under IC 22-14-5-1 (before its repeal) is repaid to the department of homeland security under subsection (d).

SECTION 12. IC 36-2-4-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to sections 7 and 8 of this chapter by P.L.335-1985 do not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.335-1985 had not been enacted.**

SECTION 13. IC 36-2-13-2.5, AS AMENDED BY P.L.40-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2.5. (a) The sheriff, the executive, and the fiscal body may enter into a salary contract for the sheriff.**

**(b) A sheriff's salary contract must contain the following provisions:**

**(1) A fixed amount of compensation for the sheriff in place of fee compensation.**

**(2) Payment of the full amount of the sheriff's compensation from the county general fund in the manner that salaries of other county officials are paid.**

**(3) Deposit by the sheriff of the sheriff's tax warrant collection fees (as described in IC 6-8.1-8-3) in the county general fund for use for any general fund purpose.**

**(4) A procedure for financing prisoners' meals that uses one (1) of the following methods:**

**(A) The county fiscal body shall make an appropriation in the usual manner from the county general fund to the sheriff for feeding prisoners. The sheriff or the sheriff's officers, deputies, or employees may not make a profit from the appropriation. The sheriff shall deposit all meal allowances received under IC 36-8-10-7 in the county general fund for use for any general fund purpose.**

**(B) The sheriff shall pay for feeding prisoners from meal allowances received under IC 36-8-10-7. The sheriff or the sheriff's officers, deputies, or employees may not make a profit from the meal allowances. After the expenses of feeding prisoners are paid, the sheriff shall deposit any unspent meal allowance money in the county general fund for use for any general fund purpose.**

**(5) A requirement that the sheriff shall file an accounting of expenditures for feeding prisoners with the county auditor on the first Monday of January and the first Monday of July of each year.**

**(6) An expiration date that is not later than the date that the term of the sheriff expires.**

**(7) Other provisions concerning the sheriff's compensation to**



which the sheriff, the county executive, and the fiscal body agree.  
**A contract entered before January 1, 1993, by a county sheriff and  
 a county executive or county fiscal body that substantially complies  
 with this subsection is legalized.**

(c) A salary contract is entered under this section when a written document containing the provisions of the contract is:

- (1) approved by resolution of both the executive and the fiscal body; and
- (2) signed by the sheriff.

(d) A salary contract entered into under this section before November 1, 2010, with a sheriff who is reelected to office in 2010 is subject to section 17 of this chapter.

SECTION 14. IC 36-3-4-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to sections 12 and 14 of this chapter by P.L.335-1985 do not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.335-1985 had not been enacted.**

SECTION 15. IC 36-4-3-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3.3. (a) This section applies to a municipality that:**

- (1) adopts an annexation ordinance under section 3 or 4 of this chapter:
  - (A) before July 1, 1999; and
  - (B) that becomes effective after July 1, 1999;
- (2) approves the establishment of a fiscal plan under section 13 of this chapter before July 1, 1999; and
- (3) is subject to section 8 of this chapter.

(b) Notwithstanding section 8 of this chapter, a municipality described in this section is not required to amend its annexation ordinance and its fiscal plan. However, a municipality described in this section shall comply with section 8 of this chapter.

SECTION 16. IC 36-4-3-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 24. (a) This section applies to a second class city located in a county having a population of more than one hundred twenty thousand (120,000) and less than one hundred twenty-seven thousand (127,000) as reported by the 1980 federal decennial census.**

(b) Notwithstanding any other law, if a city annexed territory before March 1, 1990, and the annexation proceedings included a technical failure to describe a public way that separates the annexed territory from the city, the annexation is hereby legalized





1 and declared valid.

2 (c) Notwithstanding any other law, if the redevelopment  
3 commission of a city adopted a declaratory resolution under  
4 IC 36-7-14-15 before March 1, 1990, for any of the annexed  
5 territory described in subsection (b), the declaratory resolution is  
6 hereby legalized and declared valid. If the declaratory resolution  
7 designated any of the annexed territory as an allocation area under  
8 IC 36-7-14-39, the assessment date for purposes of determining the  
9 base assessed value of the economic development area for purposes  
10 of IC 36-7-14-39 is March 1, 1989.

11 SECTION 17. IC 36-4-6-0.1 IS ADDED TO THE INDIANA CODE  
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 2011]: **Sec. 0.1. The amendments made to sections 13 and 14 of**  
14 **this chapter by P.L.335-1985 do not affect a proposal initiated**  
15 **before September 1, 1986, to amend, repeal, or otherwise change**  
16 **a comprehensive plan or zoning ordinance under IC 36-7-4. Such**  
17 **a proposal may be considered, adopted, and approved under the**  
18 **statutes in effect before September 1, 1986, as if P.L.335-1985 had**  
19 **not been enacted.**

20 SECTION 18. IC 36-5-1-21 IS ADDED TO THE INDIANA CODE  
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
22 1, 2011]: **Sec. 21. Notwithstanding sections 2 and 10.1 of this**  
23 **chapter, as in effect July 1, 1999, proceedings commenced before**  
24 **July 1, 1999, to incorporate a town across county boundaries is**  
25 **only required to have the approval of the county executive of the**  
26 **county that contains all or a major part of the territory sought to**  
27 **be incorporated.**

28 SECTION 19. IC 36-5-2-0.1 IS ADDED TO THE INDIANA CODE  
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
30 1, 2011]: **Sec. 0.1. The amendments made to sections 9.8 and 10 of**  
31 **this chapter by P.L.335-1985 do not affect a proposal initiated**  
32 **before September 1, 1986, to amend, repeal, or otherwise change**  
33 **a comprehensive plan or zoning ordinance under IC 36-7-4. Such**  
34 **a proposal may be considered, adopted, and approved under the**  
35 **statutes in effect before September 1, 1986, as if P.L.335-1985 had**  
36 **not been enacted.**

37 SECTION 20. IC 36-7-1-0.1 IS ADDED TO THE INDIANA CODE  
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
39 1, 2011]: **Sec. 0.1. The following amendments made to this chapter**  
40 **apply as follows:**

41 (1) **The amendments made to section 5 of this chapter by**  
42 **P.L.335-1985 do not affect a proposal initiated before**  
43 **September 1, 1986, to amend, repeal, or otherwise change a**  
44 **comprehensive plan or zoning ordinance under IC 36-7-4.**  
45 **Such a proposal may be considered, adopted, and approved**  
46 **under the statutes in effect before September 1, 1986, as if**



**P.L.335-1985 had not been enacted.**

**(2) The addition of section 22 of this chapter by P.L.335-1985 does not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.335-1985 had not been enacted.**

**(3) The amendments made to sections 20 and 22 of this chapter by P.L.220-1986 do not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.220-1986 had not been enacted.**

**SECTION 21. IC 36-7-3-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 0.1. The amendments made to sections 1, 2, 10, 11, and 16 of this chapter by P.L.220-1986 do not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.220-1986 had not been enacted.**

**SECTION 22. IC 36-7-4-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 0.1. The following amendments made to this chapter apply as follows:**

**(1) The amendments made to sections 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, and 701 of this chapter by P.L.335-1985 do not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.335-1985 had not been enacted.**

**(2) The addition of sections 613 and 614 of this chapter by P.L.335-1985 does not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.335-1985 had not been enacted.**

**(3) The amendments made to sections 214, 503, 504, 506, 509, 510, 511, 601, 602, 603, 604, 605, 606, 610, 612, 711, 712, 801,**



1        **802, 1014, and 1020 of this chapter by P.L.220-1986 do not**  
 2        **affect a proposal initiated before September 1, 1986, to**  
 3        **amend, repeal, or otherwise change a comprehensive plan or**  
 4        **zoning ordinance under IC 36-7-4. Such a proposal may be**  
 5        **considered, adopted, and approved under the statutes in effect**  
 6        **before September 1, 1986, as if P.L.220-1986 had not been**  
 7        **enacted.**

8        SECTION 23. IC 36-7-4-0.3 IS ADDED TO THE INDIANA CODE  
 9        AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 10       1, 2011]: **Sec. 0.3. Notwithstanding the amendments made to**  
 11       **section 207 of this chapter by P.L.225-1997, an area plan**  
 12       **commission that existed before May 12, 1997, may continue to**  
 13       **operate until January 1, 1999, under section 207 of this chapter as**  
 14       **it existed before May 12, 1997. Any actions taken after June 30,**  
 15       **1997, and before January 1, 1999, by an area plan commission**  
 16       **operating under this section that otherwise comply with the Area**  
 17       **Planning Law are legalized and validated.**

18       SECTION 24. IC 36-7-4-508 IS AMENDED TO READ AS  
 19       FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 508. (a) After a public**  
 20       **hearing or hearings have been held, the plan commission may approve**  
 21       **the comprehensive plan.**

22       (b) **ADVISORY—AREA.** Upon approval, the plan commission shall  
 23       certify the comprehensive plan to each participating legislative body.

24       (c) The plan commission may approve each segment of the  
 25       comprehensive plan as it is completed. However, that approval does  
 26       not preclude future examination and amendment of the comprehensive  
 27       plan under the 500 series. **A comprehensive plan that:**

28       **(1) was approved before March 14, 1994, under this**  
 29       **subsection as in effect before March 14, 1994; and**

30       **(2) was not filed in the county recorder's office as required by**  
 31       **this subsection as in effect before March 14, 1994;**

32       **is legalized.**

33       (d) **METRO.** As used in this subsection, "comprehensive plan" or  
 34       "plan" includes any segment of a comprehensive plan. Approval of the  
 35       comprehensive plan by the metropolitan development commission is  
 36       final. However, the commission may certify the comprehensive plan to  
 37       the legislative body of each municipality in the county, to the executive  
 38       of the consolidated city, and to any other governmental entity that the  
 39       commission wishes. The commission shall make a complete copy of  
 40       the plan available for inspection in the office of the plan commission.  
 41       One (1) summary of the plan shall be recorded in the county recorder's  
 42       office. The summary of the plan must identify the following:

43       (1) The major components of the plan.

44       (2) The geographic area subject to the plan, including the  
 45       townships or parts of townships that are subject to the plan.

46       (3) The date the commission adopted the plan.



1 SECTION 25. IC 36-7-4-1400 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1400. **(a) This section**  
 3 **and sections 1401, 1401.5, 1402, 1403, 1404, 1405, and 1406 of this**  
 4 **chapter apply only to development plans initially submitted after**  
 5 **December 31, 1995.**

6 **(b)** This series (sections 1400 through 1499 of this chapter) may be  
 7 cited as follows: 1400 SERIES—DEVELOPMENT PLANS.

8 SECTION 26. IC 36-7-14-39.3 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 39.3. (a) As used in this  
 10 section, "depreciable personal property" refers to:

11 (1) all of the designated taxpayer's depreciable personal property  
 12 that is located in the allocation area; and

13 (2) all other depreciable property located and taxable on the  
 14 designated taxpayer's site of operations within the allocation area.

15 **(b)** As used in this section, "designated taxpayer" means any  
 16 taxpayer designated by the commission in a declaratory resolution  
 17 adopted or amended under section 15 or 17.5 of this chapter, and with  
 18 respect to which the commission finds that taxes to be derived from the  
 19 depreciable personal property in the allocation area, in excess of the  
 20 taxes attributable to the base assessed value of that personal property,  
 21 are needed to pay debt service or to provide security for bonds issued  
 22 under section 25.1 of this chapter or to make payments or to provide  
 23 security on leases payable under section 25.2 of this chapter in order to  
 24 provide local public improvements for a particular allocation area.  
 25 However, a commission may not designate a taxpayer after June 30,  
 26 1992, unless the commission also finds that:

27 (1) the taxpayer's property in the allocation area will consist  
 28 primarily of industrial, manufacturing, warehousing, research and  
 29 development, processing, distribution, or transportation related  
 30 projects; and

31 (2) the taxpayer's property in the allocation area will not consist  
 32 primarily of retail, commercial, or residential projects.

33 **(c)** The allocation provision of a declaratory resolution may modify  
 34 the definition of "property taxes" under section 39(a) of this chapter to  
 35 include taxes imposed under IC 6-1.1 on the depreciable personal  
 36 property located and taxable on the site of operations of the designated  
 37 taxpayers in accordance with the procedures and limitations set forth  
 38 in this section and section 39 of this chapter. If such a modification is  
 39 included in the resolution, for purposes of section 39 of this chapter the  
 40 term "base assessed value" with respect to the depreciable personal  
 41 property means the net assessed value of all the depreciable personal  
 42 property as finally determined for the assessment date immediately  
 43 preceding:

44 (1) the effective date of the modification, for modifications  
 45 adopted before July 1, 1995; and

46 (2) the adoption date of the modification for modifications



1 adopted after June 30, 1995;  
2 as adjusted under section 39(h) of this chapter.

3 **(d) A declaratory resolution of a city redevelopment commission**  
4 **that is adopted before March 20, 1990, is hereby legalized and**  
5 **validated as if it had been adopted under this section.**

6 **(e) An action taken by a redevelopment commission before**  
7 **February 24, 1992, to designate a taxpayer, modify the definition**  
8 **of property taxes, or establish a base assessed value as described in**  
9 **this section, as in effect on February 24, 1992, is hereby legalized**  
10 **and validated as if this section, as in effect on February 24, 1992,**  
11 **had been in effect on the date of the action.**

12 **(f) The amendment made to this section by P.L.41-1992, does**  
13 **not affect actions taken pursuant to P.L.35-1990.**

14 **(g) A declaratory resolution or an amendment to a declaratory**  
15 **resolution that was adopted by:**

16 **(1) a county redevelopment commission for a county; or**

17 **(2) a city redevelopment commission for a city;**

18 **before February 26, 1992, is hereby legalized and validated as if the**  
19 **declaratory resolution or amendment had been adopted under this**  
20 **section as amended by P.L.147-1992.**

21 SECTION 27. IC 36-7-30-33.5 IS ADDED TO THE INDIANA  
22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2011]: **Sec. 33.5. A contract, agreement, or**  
24 **arrangement executed before April 23, 1997, by a municipal utility**  
25 **with any entity regarding services provided in the same manner as**  
26 **services provided under section 33 of this chapter, as in effect on**  
27 **April 23, 1997, is legalized and made valid, and the contract,**  
28 **agreement, or arrangement is not subject to challenge.**

29 SECTION 28. IC 36-8-11-0.1 IS ADDED TO THE INDIANA  
30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The addition of section 26 of**  
32 **this chapter by P.L.83-1998 applies only to purchases that occur**  
33 **after June 30, 1998.**

34 SECTION 29. IC 36-8-13-0.1 IS ADDED TO THE INDIANA  
35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to**  
37 **section 5 of this chapter by P.L.83-1998 apply only to purchases**  
38 **that occur after June 30, 1998.**

39 SECTION 30. IC 36-8-19-0.1 IS ADDED TO THE INDIANA  
40 CODE AS A NEW SECTION TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The addition of section 8.7 of**  
42 **this chapter by P.L.83-1998 applies only to purchases that occur**  
43 **after June 30, 1998.**

44 SECTION 31. IC 36-8-19-0.3 IS ADDED TO THE INDIANA  
45 CODE AS A NEW SECTION TO READ AS FOLLOWS  
46 [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. A resolution adopted by a**



township under this chapter before July 1, 2007, that would have been valid under this chapter, as in effect on July 1, 2007, is legalized and validated.

SECTION 32. IC 36-9-1-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The addition of section 8.5 of this chapter by P.L.220-1986 does not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if this act had not been enacted.**

SECTION 33. IC 36-9-6.1-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The addition of this chapter by P.L.220-1986 does not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if this act had not been enacted.**

SECTION 34. IC 36-9-6.5-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to section 2 of this chapter by P.L.220-1986 does not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if this act had not been enacted.**

SECTION 35. IC 36-9-23-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to section 28 of this chapter (and to IC 32-9-1-2.5, before its repeal) by P.L.236-1993 apply to deposits held by a municipal sewage works under section 28 of this chapter, as amended by this act, after June 30, 1993.**

SECTION 36. IC 36-10-3-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 11.5. (a) This section applies to a city having a population of more than thirty-five thousand (35,000) but less than thirty-seven thousand (37,000) in a county having a population of more than sixty-four thousand (64,000) but less than sixty-five thousand (65,000). Population references in this subsection are references to population as determined by the 1990 decennial census.**

**(b) The operation of city owned buildings or grounds operated**



1 as a golf course by a nonprofit corporation before July 1, 1995,  
 2 without a lease from the city, or under a lease that was not open to  
 3 public bid to lease the buildings or grounds, is legalized and  
 4 validated.

5 SECTION 37. IC 36-12-2-5.5 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2011]: **Sec. 5.5. IC 20-14-2-3 (before its**  
 8 **repeal), as in effect on July 1, 1998, applies to the establishment of**  
 9 **a public library that is initiated after June 30, 1998, under**  
 10 **IC 20-14-2-3(b) (before its repeal), as in effect July 1, 1998.**

11 SECTION 38. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 12 JULY 1, 2011]: P.L.100-1985, SECTION 5; P.L.335-1985, SECTION  
 13 39; P.L.220-1986, SECTION 33; P.L.211-1987, SECTION 2;  
 14 P.L.369-1987, SECTION 1; P.L.35-1990, SECTION 73; P.L.35-1990,  
 15 SECTION 74; P.L.41-1992, SECTION 9; P.L.147-1992, SECTION 3;  
 16 P.L.83-1993, SECTION 4; P.L.93-1993, SECTION 10; P.L.101-1993,  
 17 SECTION 2; P.L.236-1993, SECTION 3; P.L.82-1995, SECTION 21;  
 18 P.L.320-1995, SECTION 46; P.L.320-1995, SECTION 47;  
 19 P.L.328-1995, SECTION 2; P.L.229-1997, SECTION 3; P.L.21-1998,  
 20 SECTION 23; P.L.64-1998, SECTION 6; P.L.83-1998, SECTION 5;  
 21 P.L.86-1999, SECTION 22; P.L.248-1999, SECTION 11; P.L.73-2005,  
 22 SECTION 177; P.L.73-2005, SECTION 178; P.L.47-2007, SECTION  
 23 7; P.L.107-2007, SECTION 19; P.L.182-2007, SECTION 7.

